

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RICHARD DAWSON, JR., )  
                            )  
Plaintiff,               )  
                            )  
v.                         )                  Case No. CIV-17-295-M  
                            )  
HECTOR RIOS, Warden, in his official )  
and individual capacity,               )  
ADEMOLA ADERAGBA,                    )  
GEO security officer, in his official and )  
individual capacity,                    )  
LT. FNU JAMES, in his official and )  
individual capacity,                    )  
LT FNU ENGLE, in his official and )  
individual capacity,                    )  
Defendants.                 )

**ORDER**

On April 19, 2017, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this action, recommending this matter be dismissed without prejudice to refiling. Specifically, the Magistrate Judge recommended dismissal based on her finding that “[plaintiff’s] failure to list his assets or acknowledge funds in a prison savings account when called on by the ifp affidavit to so do mandated the dismissal of his action without prejudice.” Report and Recommendation at 4 (citing *Campbell v. Whetsel*, Case No. CIV-08-1010-R at 2-3 (W.D. Okla. May 29, 2009) (unpublished)). Plaintiff was advised of his right to file an objection to the Report and Recommendation on or before May 9, 2017. On May 22, 2017, plaintiff filed his objection.<sup>1</sup>

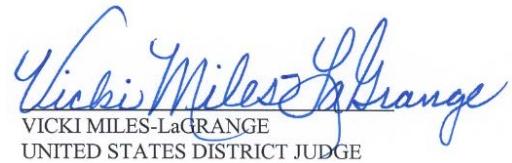
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<sup>1</sup> Initially, on April 25, 2017, plaintiff’s copy of the Report and Recommendation was returned back to the Court as undeliverable. On May 8, 2017, plaintiff filed a change of address form, and on May 15, 2017, the Court re-sent plaintiff a copy of the Report and Recommendation.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 7] issued by the Magistrate Judge on April 19, 2017;
- (2) DISMISSES this action without prejudice to refiling; and
- (3) FINDS that plaintiff's Applications for Leave to Proceed In Forma Pauperis [docket nos. 2 & 6] and Permission to Petition the Court for Help (construed as a Motion to Appoint Counsel) [docket no. 10] are now MOOT.

**IT IS SO ORDERED this 2nd day of June, 2017.**



VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE